IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

LA.App..No. 661 of 2007()

LAR.114/2003 of ADDL.SUB COURT,PARAVUR
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APPELLANT: RESPONDENT:

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

RESPONDENTS: CLAIMANT:

JOSEPH, S/O.PATHROSE, VALIYAVEETTIL,
PALLIPURAM.

BY

THIS LAND ACQUISITION APPEAL HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Kurian Joseph & T.R. Ramachandran Nair, JJ.

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valuation statement, no provision has been made for contractor's profit and supervision charges. It was in such circumstances only, the reference court granted enhancement by 30%, particularly in view of the omission and non availability of materials in the open market at P.W.D. rates. We are of the view that the enhancement as far as the value of the building is only just and proper.

As far as enhancement in land value is concerned, the claimants had a case for fixation of land value at the rate of Rs.75,000/- per cent. The reference court taking note of the value awarded to the acquired property covered in L.A.R. No.104/2003 and taking note of the further fact that the said land also is acquired for the very same purpose under the very same notification and also taking note of the fact that the land involved in L.A.R. No.104/2003 has admittedly been included in a lower category, granted 109% enhancement over and above the land value fixed by the Land Acquisition Officer. If the enhancement for the lower category of land covered by L.A.R. No.104/2003 could be granted 109% enhancement, the reasoning adopted by the reference court that enhancement for the land included in the higher category could be 109% is just and proper. All that apart, as already noticed, the land involved is only very meagre, i.e. 1.06 ares.

For all the above reasons, we do not think it necessary to admit the appeal and issue notice. There is no merit in the appeal and the same is accordingly dismissed.

(Kurian Joseph, Judge.)

(T.R. Ramachandran Nair, Judge.)

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